

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ARTHUR FRAZIER,

PLAINTIFF,

-against-

Detective Eric Andersen and
Detective Thomas OF THE 107 Pct. **EW 10 - 5423**
QUEENS COUNTY, DETECTIVE DANIEL SCHINDLAR
OF 107 Pct. QUEENS COUNTY AND A.D.A.
JOHN DOE OF THE QUEENS COUNTY DISTRICT
DISTRICT ATTORNEYS OFFICE, ET AL.
DEFENDANTS.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ OCT 13 2010 ★

BROOKLYN OFFICE

COMPLAINT

CIVIL ACTION NO. _____

VITALIANO, J.
BLOOM, M.J.

CIVIL ACTION

1. This is a civil action brought pursuant to 42 U.S.C. sec. 1983 and 1985, to protect and defend the rights as guaranteed under the United States Federal Constitution. This court has in fact jurisdiction over such matters under sec. 28 U.S.C. sec 2131 and 2132.

PLAINTIFF

2. Plaintiff Arthur Frazier, was at all times herein mentioned a prisoner in the care and custody of the above named defendants being held within the 107 police station which is located in the county of Queens New York.

DEFENDANTS

3. The defendant detective Thomas, is and was assigned as such to the 107 police station in the county of Queens New York and at the time of the incidents as herein complained of was acting under color of state law of rights. Defendant Daniel Schindlar, at all times herein mentioned was a -

police detective assigned to the 107th police station in the county of Queens New York and was acting under color of state law of rights and either knew and or should have known that his action or actions would violate the rights of the plaintiff. The Defendant A.D.A John Doe is and was assigned to the Queens County District attorneys office and at all times herein acted under color of state law of rights and either knew and or should have known that his act and or act(s) would violate the rights of the plaintiff.

CAUSE OF ACTION

1. That on or about the day of 24th September 2010, plaintiff while being arrested by defendant Detective Eric Andersen, was therein assaulted by said police officer who both beat plaintiff repeatedly by kneeling and hitting the plaintiff in the chest area.
2. That plaintiff at the time of his arrest was in an unconcous state and in no way whatsoever could resist arrest because he was knocked out due to a very heavy use of crack cocaine.
3. That as a direct result of such acts on the part of defendant Andersen, plaintiff sustained injurys to the nerves in his left hand due only to the fact that when the defendant handcuffed the plaintiff, "he the named deliberately - tightened and kept pulling the arms of the plaintiff upward intentionally to cause both pain and damage.
4. That plaintiff by this person was in fact refused medical attention and repeatedly threatened by this defendant with death to the extent that I was told by the defendant that had in fact it been his home I was found in that he would have simply shot plaintiff in the back of the head and then lied and said that plaintiff had a gun.
5. Plaintiff contends that he has a Constitutional right not to be beat up by arresting officer Andersen and that Andersen actions violated the rights of the plaintiff knowingly with intent to cause harm and

violates plaintiffs constitutional rights under the 5th, 6th and 14th Amendments of the United States federal Constitution.

6. That on or about september 24th 2010, while plaintiff was awaiting the arrest process to be completed, defendants detective Thomas of the 107th police station together with A.D.A. John Doe of the Queens County district attorneys office violated plaintiffs constitutional rights when they came to plaintiff with a ploy that they in fact could offer him a plea deal all of which they were not authorized to offer.

7. Plaintiff contends that the three defendants Thomas, Schindlar and A.D.A. John Doe from the Queens County district attorneys office acted together in a conspiracy to deprive plaintiff of his most basic rights which was the assistance of counsel in that they knew that no such deal existed and only used such ploy for the purposes of obtaining statements from plaintiff concerning crimes that they could never solve and in the process violated plaintiffs 5th, 6th and 14th Amendments under the United States Federal Constitution.

8. Plaintiff contends that both defendants Daniel Schindlar together, with defendant detective Thomas, of 107 police station of queens county conspired to violate plaintiffs Constitutional rights by way of attempting to frame the plaintiff by filing false criminal charges against plaintiff and by alleging falsely that plaintiff confessed to having committed the following crimes;

cases#2010QN056712
2010QN056713
2010QN056714
2010QN056715
2010QN056716
2010QN056717
2010QN056718
2010QN056719
2010QN056720

it is the contention of plaintiff that when most of these crimes were committed, the plaintiff was in fact confined to a drug program one of which has a sign in and out procedure on a daily basis moreover, plaintiff notes that defendant Daniel Schindlar signed his name to at least seven complaints all of which he

never at any time "(e)ver, interviewed plaintiff to obtain any confussions or statements moreover, it should be noted that cases#2010QNO56716, alleged to have been committed on or about September 4th 2010, and case#2010QNO56719, alleged to have been committed on september 6th 2010, and case#2010QNO56717, and case#2010QNO56714, alleged to have been committed on or about september 17th 2010, could not have been committed by plaintiff because plaintiff was in fact in a drug program at the times in question.

9. Plaintiff contends that defendant Daniel Schindlar falsely stated that plaintiff had in fact gave him statements and made admissions to crimes of which plaintiff simply could not have committed moreover plaintiff contends that these cases was in fact passed onto defendant Schindlar from defendant detective Thomas, of the 107th police station and defendant A.D.A. John Does, an asistant district attorney from the Queens County district attorneys offi ce.

10. That said passing of such matters was an attempt to erace any trace of involymnt of A.D.A. John Doe who knew and or should have known that his acts and or actions taken by him and others were and would voilate plaintiff's constitutional rights under the 5th, 6th and 14th Amandments of the United states Federal constitution.

11. Plaintiff contends that the three defendants knew at the time of said questioning that plaintiff had in fact been under the influence of crack - cocain which had in fact been noted by defendant Eric Andersen in his arrest report which the defendants all had access to and either knew and or should have known from early events that plaintiff in no way could respond coherently to their questions which was all the more reason they should have allowed him counsel.

12. Plaintiff contends that the defendant were So interested in violating his constitutional rights to further their own cause which was to solve as many burgerays as they could by any means necessary even if it meant violat-

ing plaintiffs rights to have the benefit or assistants of counsel which they all knew to be wrong.

13. Plaintiff further contends that defendant A.D.A. John Doe from the Queens County district attorneys office along with detective defendants Thomas of 107th police station in Queens county New York conducted exclusively all - interviews relative to plaintiff and, not defendant Schindlar, who did nothing more except drive the car that plaintiff was transported in with defendant Thomas at night in the pitch black.

14. Plaintiff contends further that all details were in fact hand feed to him by the defendant detective Thomas regarding seven alleged crimes and that plaintiff had in fact never been to the locations that he was taken to by the defendant whom in words of substance told plaintiff all the said details of how the crimes were committ and when the crimes were comitted by dates and times all of which plaintiff had in fact no knowledge whatsoever.

15. Plaintiff contends that the acts and actions of the named defendant as named herein were comitted in violation of plaintiff 5th, 6th and 14th Amendment rights of the United States Federal Constitution for the purposes of frameing plaintiff for crimes that he did not commit and for the exclusive purposes of cleaning there crime books of all the unsolvable case as many as they could..."why not," who would be the wisest with plaintiffs past record for such crimes.

16. Plaintiff contends that as a constitutional right when such d are either taking place and or are going to take place,"he the plaintiff by the defendants should be allowed the benefit or aid of c ounsel for purposes of safe gurading or protecting plaintiffs constitutional rights rather then as the defendants did,"[1]ying just to have the plaintiff not receive said protections soley so they the defendants as herein named to further their own cause which was nothing more then to solve as many unsolved crimes as they could in violation of plaintiffs rights.

17. Plaintiff contends that the conduct of the defendants amounts to violations of plaintiffs civil rights because the same can be said to be a conspiracy to deprive plaintiff the right to counsel which plaintiff was legally in such matters entitled to under the 5th, 6th and 14th Amendments of the - United States Federal Constitution.
18. That defendants detective Thomas of the 107th police station of Queens County along with detective Daniel Schindlar of the 107th police station of the County of Queens together with A.D.A. John Doe, of the queens county district attorneys office conspired to violate plaintiffs rights to have counsel present during questioning and then tried to hide the fact that they did these acts by trying to later on pass such cases off to other police officers who had no hand in the arrests or questioning which has long since been a policy of NYPD which violates plaintiffs 5th 6th and 14th Amendments under the United States Federal Constitution.

WHEREFORE, plaintiff respectfully prays that this court enters the following judgement in plaintiffs favor;

1. That this court declare as unconstitutional the beating of plaintiff by defendant detective Eric Andersen of the 107th police station in the county of Queens as such conduct violates the 8th and 14th Amendments of the United States Federal Constitution.

2. That this court enter judgement in favor of plaintiff which declares unconstitutional the acts and actions of defendants detective Thomas, and detective Daniel Schindlar, of the 107th police station in Queens county along with the defendant A.D.A. John Doe of the Queens County District attorneys office who either knew and or should have known that their acts and or action(s) would violate the plaintiffs 5th, 6th and 14th Amendment rights under the federal constitution.

3. That this court enter judgement declaring unconstitutional the denial of plaintiffs constitutional rights to have counsel present during any and

all questioning.

4. That this court declare as unconstitutional the unlawful offering of any plea deal all of which the defendants knew they were not authorized to make on September 24th 2010, and that such ploy as used to compel a statement or confession concerning any alleged crimes were illegal and a violation of plaintiffs constitutional rights under the 5th, 6th and 14th Amendments of the United States Federal Constitution.
5. That this court grant plaintiff injunctive relief concerning defendant A.D.A. John Doe an assistant district attorney of Queens County stopping him from using any alleged statement or statements which resulted from his unlawful actions during the pendency of this action.
6. That this court enter judgement in plaintiffs favor granting him a trial on any and all issues triable by jury.
7. That this court grant plaintiff damages against defendant Eric Andersen for the unlawful beatings of plaintiff in the sum of 15,000,000, Million Dollars and further that this court grant plaintiff punitive damages in the sum of \$250,000,00. Dollars.
8. ~~That~~ this court grant plaintiff damages against defendants Schindlar and defendants detective Thomas of the 107th Police station in the County of Queens in the amount and sum of \$50,000,000,00. Million Dollars for having violated plaintiffs constitutional rights and that this court further grant plaintiff punitive damages against both of the defendants Thomas and Schindlar in the sum of \$450,000, Dollars.
9. That this court grant plaintiff further relief by ruling that plaintiff does have a constitutional right to counsel once arrested.
10. ~~That~~ this court also grant plaintiff injunctive relief by ruling in plaintiffs favor and declaring the acts and actions of all three of the defendants Thomas, Schindlar and A.D.A. John Doe of the Queens County District Attorneys office to be unconstitutional and also to

have violated plaintiffs 5th, 6th and 14th Amendment rights and amounted
conspiracy to deprive plaintiff of his constitutional rights to counsel..

11. That this court grant plaintiff any and all other and further relief as
it might deem just.

RESPECTFULLY SUBMITTED



SWORN TO BEFORE ME

6th

THIS DAY OF

October, 2010



NOTARY PUBLIC OF THE STATE OF NEW YORK

MY COMMISSION EXPIRES

Jose L. Pimentel

Notary Public, State of New York

Qualified in Bronx County

NO: 034837175

Commission Expires September 30, 2013

V E R I F I C A , T I O N

OF

C O M P L A I N T

I ARTHUR FRAZIER, duly sworn deposes and says;

that I have read the attached complaint hereto attached and submitted to this court for its consideration. That the facts as herein stated are based upon my own personal knowledge which I believe to be true except for any statement or statements herein stated which are based upon information and belief and as to those statements I believe the same to be true.

res
RESPECTFULLY SUBMITTED

Arthur Frazier

SWORN TO BEFORE ME 6th.

THIS DAY OF October, 2010

Jose L. Pimentel
NOTARY PUBLIC OF THE STATE OF NEW YORK

MY COMMISSION EXPIRES _____

Jose L. Pimentel
Notary Public, State of New York
Qualified in Bronx County
NO: 034837175
Commission Expires September 30, 2013

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT E.D.N.Y.

★ NOV 15 2010 ★

BROOKLYN OFFICE
NOTICE TO COURT CLERK

ARTHUR FRAZIER,

PLAINTIFF,

-V-

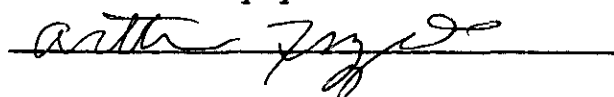
DETECTIVE ERIC ANDERSEN OF 107th
POLICE STATION IN QUEENS COUNTY
et al,
DEFENDANTS.

CIVIL NO. _____

Dear Sir;

I am the above named plaintiff in the above captioned civil action and I have just received your notice dated Oct.13th 2010, no or about the day of Oct.30th 2010, so I could not meet your 14 day requirement. I have also since the filing of this matter been moved from the Vernoon C.Bain center at 1 Halleet street to the GM.D.C.detention center which is located at 1515 Hazen Street, East Elumhurst, N.Y.11370, Dorm 12B which is where I am currently being housed as a detainee.....! never the less,"I am returning those documents and papers as requested to your office with the authorization form which really should not pertain to me because of the fact that,"I am not an inmate rather I am a detainee. If you have any further questions kindly contact me at the new address as herein cited.

sincerely your etc



Oct.30th 2010.

cc. On personal file.

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★ NOV 15 2010 ★

BROOKLYN OFFICE

Oct.6th 2010

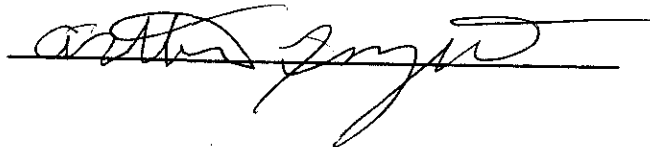
Arthur Frazier#441-10-10272
Vernon C.Bain detention Center
One Helbeck Street
Bronx N.Y.

Re. Frazier-V-Andersen et al.
defendants.

Dear Sir

enclosed please find five copys of a civil action that I am bringing in the Eastern district court against the fourt named defendants as therein listed. I have also enclosed a motion to proceed as a poor person along with a verification of complaint. Please also note that 42 U.S.C.sec.1997(e) does not apply in my case because my case has in fact nothing to do with prison conditions of any kind..however, I will need four marshal service forms one for each defendant and a summons, once the courts has made a decision in this matter. If your office needs any additional information please do contact me at the above address right away.

Sincerly yours etc



CC.On personal file.